

Asper Centre Summer Fellowship – Final Report

Organization: David Asper Centre for Constitutional Rights

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1. Overview

The purpose of this project was to investigate police handling of Indigenous communities and to evaluate Canada's various systems of police oversight. This was done within the context of the National Inquiry into Missing and Murdered Indigenous Women and Girls, as Indigenous peoples have reported significant concerns with police handling of their complaints. This project will be used to create a comprehensive, readable guide to navigating each of Canada's police complaint systems, which will be published online by the David Asper Centre for Constitutional Rights. The results of this investigation were also turned into a critical report.

This summer, my investigation focused on the police forces that interact most with Indigenous peoples, namely in Ontario, Quebec, British Columbia, and the RCMP. Canada's remaining police forces will be reviewed later in the year by myself and a team of volunteer researchers through the Asper Centre.

2. Police Oversight in Canada

During my summer fellowship, I researched the police oversight systems of Ontario, Quebec, British Columbia, and the RCMP. I looked into the police discipline procedures for both criminal and disciplinary infractions, and was surprised at the wide variation between provinces. In some provinces, like Quebec for example, there are independent oversight bodies that both investigate and adjudicate the police for disciplinary misconduct. This means that police oversight is handled at arm's length by civilians. In Ontario, complaints of disciplinary misconduct are received by an independent organization, but are then sent back to the police to be investigated and adjudicated internally. This means that police oversight is being handled behind closed doors, with little public transparency. To compare these various systems and their limitations, I have created a comprehensive metric based on Justice Tulloch's recent police oversight recommendations.

During my research, I identified two of the most significant problems in Canadian police oversight. Firstly, the oversight bodies that handle police complaints in fact send those complaints back to the police for investigation. In Ontario, British Columbia, and the RCMP, the police investigate complaints against themselves, with these oversight bodies merely acting as intake. This raises serious concerns about investigatory bias and police reprisals, calling into question the very role of Canadian oversight bodies. Secondly, my research shows the concerning trend that police forces often conduct their own internal discipline, with oversight bodies only handling appeal level adjudication. This happens in Ontario, British Columbia, and the RCMP, with the Chief of Police himself often acting as adjudicator. This internal discipline structure raises issues of bias and precludes any meaningful public scrutiny, serving only to weaken public confidence in the police.

3. Future Steps

Due to the volume of work, my summer fellowship involved research of police discipline in Ontario, Quebec, British Columbia, and the RCMP. To develop a truly comprehensive understanding of Canadian police oversight, this project has been expanded into a year-long student working group project run by the David Asper Centre for Constitutional Rights. We have 12 volunteer student researchers to study the disciplinary procedures of Canada's remaining 7 provinces and 3 territories.

This research will then be turned into 14 public guides to Canadian police oversight. These guides will be written with the average citizen in mind, so they will be clear, readable, and practical. They will provide citizens with an overview of their province's police oversight system, give them information on how to navigate disciplinary procedures, and will provide realistic expectations for police complainants. The working group's guides will be published online at the David Asper Centre for Constitutional Rights website.